



20 JUN 2006

UNITED STATES PATENT and TRADEMARK OFFICE

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Foley & Lardner LLP  
P.O. Box 80278  
San Diego, California 92138-0278

In re Application of	:	DECISION ON
Downes et al	:	
Application No.: 10/535,041	:	
PCT No.: PCT/US2003/036123	:	
Application No: 10/535,041	:	
Int. Filing Date: 14 November 2003	:	PETITION UNDER
Priority Date: 15 November 2002	:	
Attorney's Docket No.: SALK3130-1J	:	
For: NON-STEROIDAL FARNESOID X	:	
RECEPTOR MODULATORS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 08 May 2006.

#### BACKGROUND

In a decision from this Office on 22 March 2006, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (3) had not been satisfied.

On 08 May 2006, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 22 March 2006 with respect to accepting the above application without the signature of the nonsigning inventors .Filed with the renewed petition, *inter alia*, is the last known addresses of the nonsigning inventors.

#### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 22 March 2006 has satisfied item (3) under 37 CFR 1.47(a). Thus satisfying all the requirements under 37 CFR 1.47(a).

Petitioner has provided the last known addresses of nonsigning inventors Hughes, Nicolau, and Roecker.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

### CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **28 December 2005**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

  
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PCT Legal Office  
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Robert Hughes  
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Creve Couer, Missouri 63167

In re Application of  
Downes et al  
Application No.: 10/535,041  
PCT No.: PCT/US2003/036123  
Application No: 10/535,041  
Int. Filing Date: 14 November 2003  
Priority Date: 15 November 2002  
Attorney's Docket No.: SALK3130-1J  
For: NON-STEROIDAL FARNESOID X  
RECEPTOR MODULATORS

Dear Robert Hughes:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

  
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K.C. Nicolau  
9625 Blackgold Road  
La Jolla, California 92117

In re Application of  
Downes et al  
Application No.: 10/535,041  
PCT No.: PCT/US2003/036123  
Application No: 10/535,041  
Int. Filing Date: 14 November 2003  
Priority Date: 15 November 2002  
Attorney's Docket No.: SALK3130-1J  
For: NON-STEROIDAL FARNESOID X  
RECEPTOR MODULATORS

Dear K.C. Nicolau:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Anthony J. Roecker  
3337 Clairemont Drive, #4  
San Diego, California 92117

In re Application of  
Downes et al  
Application No.: 10/535,041  
PCT No.: PCT/US2003/036123  
Application No: 10/535,041  
Int. Filing Date: 14 November 2003  
Priority Date: 15 November 2002  
Attorney's Docket No.: SALK3130-1J  
For: NON-STEROIDAL FARNESOID X  
RECEPTOR MODULATORS

Dear Anthony J. Roecker:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

  
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